

REMARKS

Claims 33-52 are presented for examination. Claims 1-24 have been canceled, without prejudice or disclaimer of subject matter. Claims 33-52 have been added to provide Applicants with a more complete scope of protection. Claims 33, 38, 42, 47, 51 and 52 are in independent form. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the present claims.

An Information Disclosure Statement is being filed concurrently herewith.

In the final Office Action mailed May 9, 2005, Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,740,496 (Kawabuchi), in view of U.S. Patent No. 5,669,040 (Hisatake). Cancellation of Claims 1-24 renders their rejections moot, but Applicants submit the following comments regarding the patentability of new Claims 33-52 over these cited references.

Claim 33 is directed to an image processing apparatus including a setting unit that sets one of a plurality of modes according to a user's designation. The modes include a first mode that stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress, and a second mode that displays a list of active jobs and stops a job selected by the user from the list in accordance with a designation input to stop an operation in progress.

The apparatus also includes a determination unit that determines a mode set by the setting unit in accordance with a designation input to stop an operation in progress, and a control unit that causes active-job stop processing or list display processing based on a

determination by the determination unit.

Among other notable features of Claim 33 is a “setting unit that sets one of a plurality of modes according to a user’s designation, said modes including a first mode that stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress, and a second mode that displays a list of active jobs and stops a job selected by the user from the list in accordance with a designation input to stop an operation in progress.” By virtue of the structure recited in Claim 33, a user can look at a list of jobs at any time even if no printing or scanning operation is in progress, as long as the second mode is set. Therefore, the apparatus can flexibly meet the user’s needs.

Kawabuchi relates to an image forming apparatus which performs scanning and printing in parallel. When a stop key is depressed while a scanning job and a printing job are being performed in parallel, a selection window allows a user to select one of those jobs to be canceled, and the selected job is canceled. Accordingly, if the user depresses the stop key, only the selected job is canceled; however, this occurs *without* all the jobs that are being executed, being stopped or paused, and any jobs that are awaiting execution are apparently unaffected.

However, nothing has been found in Kawabuchi that would teach or suggest "a setting unit that sets one of a plurality of modes according to a user’s designation, said modes including a first mode that stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress, and a second mode that displays a list of active jobs and stops a job selected by the user from the list in accordance with a designation input to stop an operation in progress," as recited in Claim 33.

Hisatake does not remedy the deficiencies of Kawabuchi. Hisatake relates to an image forming apparatus which enables the operator to select a job from a plurality of jobs and change the processing content of the selected job. The apparatus includes a display for displaying a job list identifying stored jobs (column 12, lines 36-47). A user can temporarily stop the processing of a desired job, cancel the job or restart processing of a temporarily stopped job by selecting the desired job out of the job list and selecting an appropriate key (column 13, lines 15-20).

However, nothing has been found in Hisatake that would teach or suggest "a setting unit that sets one of a plurality of modes according to a user's designation, said modes including a first mode that stops an active job without displaying a list of active jobs in accordance with a designation input to stop an operation in progress, and a second mode that displays a list of active jobs and stops a job selected by the user from the list in accordance with a designation input to stop an operation in progress," as recited in Claim 33. Specifically, there is no disclosures in Hisatake of at least a first mode that stops an active job selected by a user without displaying a list of active jobs in accordance with a designation input to stop an operation in progress. In Hisatake, in order to terminate a job, the user must select that job from the displayed job list.

Accordingly, Applicants submit that Claim 33 is patentable over Kawabuchi and Hisatake, whether considered separately or in any permissible combination (if any).

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 33.

Independent Claims 42 and 51 are method and program claims respectively corresponding to apparatus Claim 33, and are believed to be patentable over Kawabuchi and Hisatake for at least the same reasons as discussed above in connection with Claim 33.

Claim 38 is directed to an image processing apparatus including an input unit that inputs a designation to stop an operation in progress; a second display unit that displays a list of jobs existing in the image processing apparatus in a case where a scanning operation is not in progress at the time of a designation input by the input unit; and a stop unit that stops a scanning operation without displaying a list of jobs by the second display unit in a case where the scanning operation is in progress at the time of a designation input by the input unit.

Applicants' submit that nothing in Kawabuchi or Hisatake would teach or suggest "a second display unit that displays a list of jobs existing in the image processing apparatus in a case where a scanning operation is not in progress at the time of a designation input by the input unit," as recited in Claim 33. The display of a selection screen simply does not depend on whether or not a scanning operation is in progress in either of those references.

Accordingly, Applicants submit that Claim 38 is patentable over Kawabuchi and Hisatake, whether considered separately or in any permissible combination (if any).

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 38.

Independent Claims 47 and 52 are method and program claims respectively corresponding to apparatus Claim 38, and are believed to be patentable over Kawabuchi and

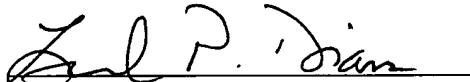
Hisatake for at least the same reasons as discussed above in connection with Claim 38.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are, therefore, believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request early and favorable continued examination of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "L. P. Diana", is written over a horizontal line.

Leonard P. Diana
Attorney for Applicants
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 516308v1